

# Canyon County, ID Web Map



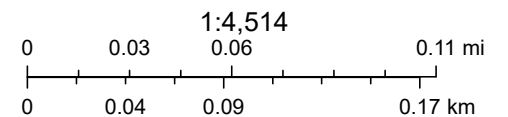
4/7/2023, 4:41:39 PM

- Multiple Parcel Search \_Query result
- Hydro\_NHDFlowline
- County Boundary
- Current Impact Area

- City Limits
- Sections
- CanyonCountyRoads
- Roads

Canyon County Imagery\_2019

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Canyon County, ID

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | COMPASS | Nampa GIS | City of Nampa |



# 1. Master Application

# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: Theodore Bustos
	MAILING ADDRESS: 12732 Memory Lane, Nampa, Idaho 83686
	PHONE: [REDACTED]

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature:

*Theodore Bustos*

Date: 1-23-23

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: Tricia K. Soper
	COMPANY NAME: Mark D. Perison, P.A.
	MAILING ADDRESS: PO Box 6575, Boise, Idaho, 83707
	PHONE: (208) 331-1200 EMAIL: tricia@markperison.com

<b>SITE INFO</b>	STREET ADDRESS: 12732 Memory Lane, Nampa, Idaho, 83686			
	PARCEL #: R33116000 0		LOT SIZE/AREA: 2.6 acres	
	LOT:	BLOCK:	SUBDIVISION:	
	QUARTER:	SECTION:	TOWNSHIP:	RANGE:
	ZONING DISTRICT: AG		FLOODZONE (YES/NO): No	

<b>HEARING LEVEL APPS</b>	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

<b>DIRECTORS DECISION APPS</b>	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input checked="" type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER _____		

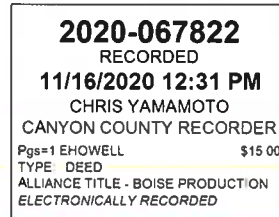
CASE NUMBER: ZV 2023-0001	DATE RECEIVED: 2/23/23
RECEIVED BY: Sage Huggins	APPLICATION FEE: \$950 (CK) MO CC CASH

2.

Vesting deed for Theodore Bustos



## QUITCLAIM DEED



Alliance Title & Escrow, LLC ORDER NO.: 515970

**FOR VALUE RECEIVED,**

**Theodore Bustos, as Trustee of The Theodore Bustos Revocable Trust, dated July 29, 2020**

do(es) hereby convey, release, remise and forever quitclaim unto

**Theodore Bustos, unmarried man**

whose current address is: 12732 Memory Lane, Nampa, ID 83686

the following described premises:

Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 36, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence running East on the North line of the said Southwest Quarter of the Northeast Quarter a distance of 500 feet; thence running South on a line parallel with the West boundary line of said Southwest Quarter of the Northeast Quarter a distance of 260 feet to the Real Point of Beginning; thence continuing South on the same bearing 285.4 feet; thence South 57°0' West 333.0 feet; thence North 61°20' West 214.2 feet; thence North 39°58' West 51.5 feet to a point on the West line 575 feet South of the Northwest corner of the Southwest Quarter of the Northeast Quarter aforesaid; thence North 57°0' East 596.2 feet to the Real Point of Beginning.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: November 6, 2020

**The Theodore Bustos Revocable Trust, dated July 29, 2020**

  
Theodore Bustos, as Trustee

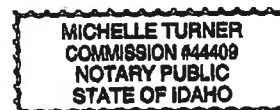
State of Idaho} ss.  
County of Ada}

On this 9 day of November, 2020, before me, the undersigned, a Notary Public in and for said state, personally appeared Theodore Bustos known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Theodore Bustos Revocable Trust, dated July 29, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
the undersigned  
Notary Public for the State of Idaho

Commission Expires: 05/31/2023  
Residing In: Boise, Idaho



3.

Easement dated February 23, 1959,  
recorded on February 29, 1959,  
as Instrument No. 468198



RECORD NO. 383198 EASEMENT

THIS DEED, Made this 23rd day of February, 1959, between  
DON J. HOGGE and SHIRLEY F. HOGGE, husband and wife, of Nampa,  
Idaho, hereinafter referred to as grantors, and F. P. HATCH and  
ILAH M. HATCH, husband and wife, of Nampa, Idaho, hereinafter re-  
ferred to as grantees, WITNESSETH:

WHEREAS, the grantors are the owners in fee simple of the  
following described real property:

Commencing at the Northwest corner of the South-  
west Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )  
Section 36, Township 3 North, Range 3 West of the  
Boise Meridian, thence East along the North bound-  
ary line of said Southwest Quarter of the North-  
east Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) a distance of 500 feet;  
thence South on a line parallel with the West  
boundary line of said Southwest Quarter of the  
Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) a distance of 260  
feet to the real point of beginning; thence con-  
tinue South on a line parallel with said West  
boundary line to a point 417.5 feet North of the  
South boundary line of said Southwest Quarter of  
the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); thence West on  
a line parallel with the South boundary line of  
said Southwest Quarter of the Northeast Quarter  
(SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) to a point 12 feet East of the right of  
way of Thacker Lateral Ditch; thence Northwesterly  
on a line 12 feet East of the right of way of  
Thacker Lateral Ditch to the West boundary line of  
said Southwest Quarter of the Northeast Quarter  
(SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); thence North along the West boundary  
line of the Southwest Quarter of the Northeast  
Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) to a point 575 feet South of the  
Northwest corner of said Southwest Quarter of the  
Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); thence Northeasterly in  
a straight line to the real point of beginning.

and,

WHEREAS, the grantees are the owners in fee simple of an  
adjoining parcel of land described as follows:

That part of the Southwest Quarter of the North-  
east Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 36, Township 3  
North, Range 3 West of the Boise Meridian, des-  
cribed as follows:

BEGINNING at the Northwest corner of said South-  
west Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ),  
thence East along the North boundary line thereof  
500 feet; thence South on a line parallel with  
the West line of said Southwest Quarter of the  
Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) a distance of 260 feet;  
thence Southwest in a straight line to a point in  
the West boundary line of said Southwest Quarter

of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), which is 575 feet South of the point of beginning; thence North along said West boundary line 575 feet to the point of beginning.

and,

WHEREAS, the grantees are desirous of an easement for road purposes 24 feet in width along the Westerly boundary line of the parcel of land owned by the grantors and an easement for road purposes 12 feet in width along the Northwesternly boundary line of the grantors' property for a distance of 350 feet from the Northwest corner thereof and hereinabove described, and

WHEREAS, the grantors have agreed to grant to the grantees an easement for road purposes reserving, however, to the grantors the right to use the said road.

NOW THIS DEED WITNESSETH That in consideration of One and No/100 (\$1.00) Dollar and other good and valuable considerations paid by the grantees to the grantors, the grantors hereby grant unto the grantees, their heirs and assigns, full and free right and authority to use for road purposes the West 24 feet of the property owned by the grantors as hereinbefore described and the Northwest 12 feet of the South 350 feet of the parcel of land owned by the grantors herein, reserving, however unto the grantors, their heirs and assigns, the right to use said road.

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals the day and year first above written.

*Don J. Hagg* (SEAL)

*Shirley J. Hagg* (SEAL)  
Grantors

RECEIVED  
NOTARY PUBLIC  
COUNTY OF HARRIS  
STATE OF TEXAS



1 STATE OF IDAHO }  
 2 County of Canyon } ss.

3 On this 26<sup>th</sup> day of February, 1959, before me, the under-  
 4 signed, a Notary Public in and for said State, personally appeared  
 5 DON J. HOGGE and SHIRLEY F. HOGGE, husband and wife, known to me to  
 6 be the persons whose names are subscribed to the within instrument  
 7 and acknowledged to me that they executed the same.

8 IN WITNESS WHEREOF, I have hereunto set my hand and af-  
 9 fixed my official seal the day and year in this certificate first  
 10 above written.



Wm. J. Hooper, Jr.  
 Notary Public for Idaho  
 Residing at Calhoun, Idaho.

30  
 31

32 I hereby certify that the foregoing was filed for record at the office of J. P. Hatch  
Feb 24 1959 at 3 o'clock PM of the year 1959 at 10 AM

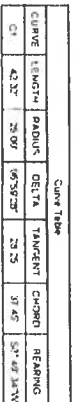
Fee \$ 1.75

U.S. Notary Public for Idaho  
Shirley F. Hooper

## 4. Record of Survey

N 14 COR  
ALUMINUM CAP  
PLS 11120  
CP8F 2018-05-06-28  
1338 03  
N00'24 18'E

**THEODORE F. BUSTOS**  
A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4  
OF SECTION 36 TOWNSHIP 3 NORTH RANGE 3 WEST 8 M  
CANYON COUNTY, IDAHO  
-2022-

[illegible]

THIS SURVEY WAS MADE TO ESTABLISH THE BOUNDARIES OF PARCELS AS SHOWN. THE EASEMENTS SHOWN ARE HISTORIC ACCESS HEREON FROM 1958 CEDD 45,020 NO WIDTH DEFINED. AREA OF USE SHOWN

THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 3 NORTH RANGE 3 WEST BOISE MERIDIAN TAENAS SOUTHWEST 1/4 AND DISTANCE BETWEEN MONUMENTS FOUND TO BE 1223.10 FEET

86  
87  
88

114 COR MOVEMENT AS NOTED  
116 COR MOVEMENT AS NOTED  
SET 107 REBAR IN CAP W/C PLS 1982



I, KENNETH M COOK, A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF  
 IOWA, CERTIFY THAT

PL 5 398





5.

Canyon County Assessor's Web Map of  
Memory Lane and surrounding parcels



Find address or place



### Results

R33116

33116000 0

2.600

12732 MEMORY LN

NA

36-3N-3W NE TX 20189 IN SWNE

0 300 600ft

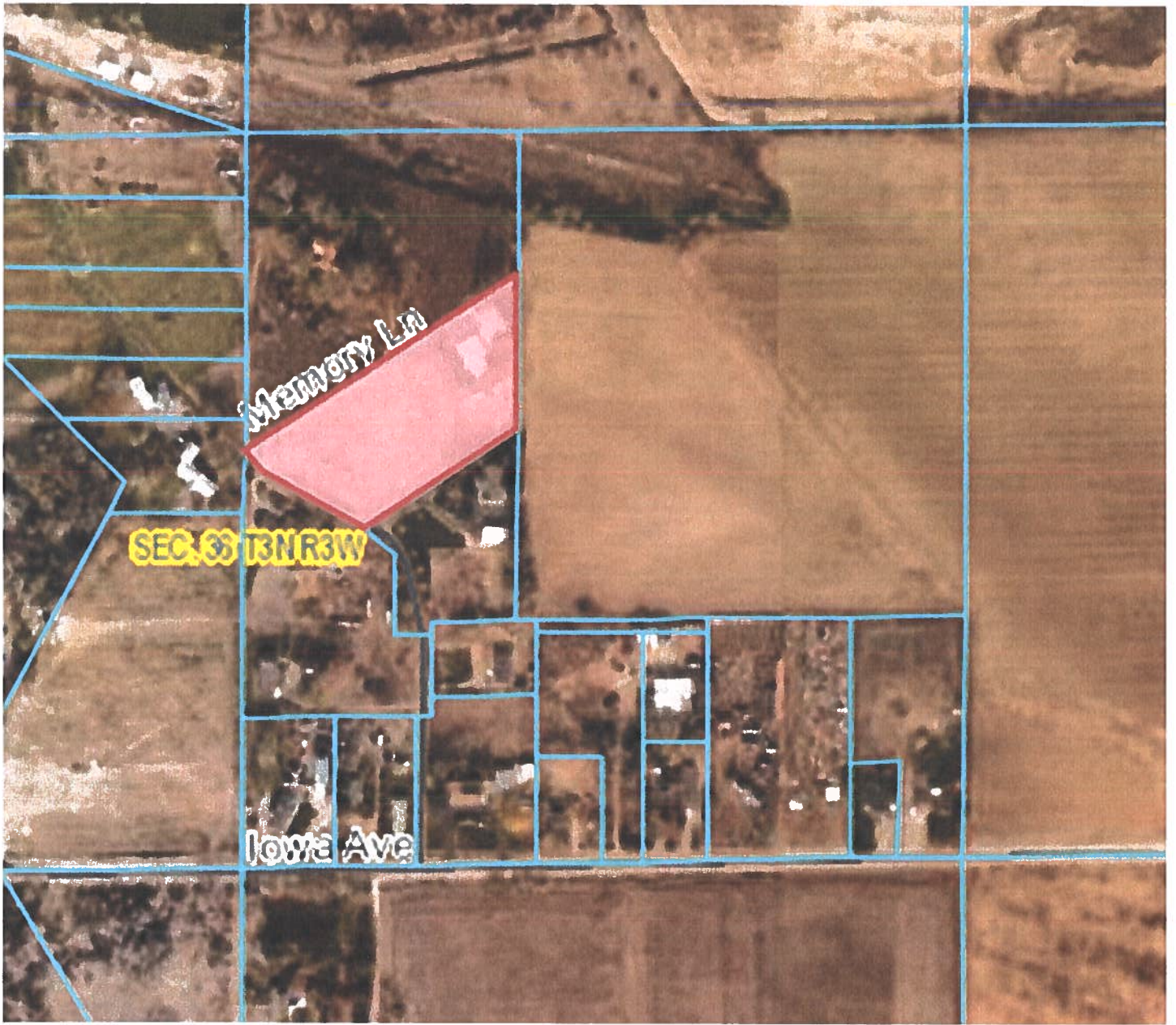
116.641 43.557 Degrees



6.

Enlarged view of Assessor's Web Map of Memory  
Lane and surrounding parcels with addresses





7.

Notice of Neighborhood Meeting,  
dated December 21, 2022

**Notice of Neighborhood Meeting  
Request for Variance  
Pre-application Requirement For a Public Hearing**

December 21, 2022

Dear Neighbor,

I represent your neighbor, Ted Bustos. Mr. Bustos is in the process of submitting an application for a variance to Canyon County Development Services. One of the requirements necessary prior to submitting the application is to hold a “neighborhood meeting” and provide information to his surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as Mr. Bustos moves through the application process. This is not a Public Hearing before a governing body of the County. Once his application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County Development Services regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Application for Variance is applied.

The Neighborhood Meeting details are as follows:

Date:	January 5, 2023
Time:	6:00 p.m.
Location:	Home of Ted Bustos 12732 Memory Lane Nampa, Idaho 83686

The project is summarized below:

Site Location:	Memory Lane, Nampa, Idaho
Proposed Action:	Variance of road width for Memory Lane to allow lot split of Mr. Bustos’ property (12732 Memory Lane, Nampa, Idaho).

Mr. Bustos and I look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.



Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project. If you have any questions prior to the meeting, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tricia K. Soper". The signature is fluid and cursive, with the first name "Tricia" being more prominent than the last name "Soper".

Tricia K. Soper  
Mark D. Perison, P.A.  
Attorneys for Ted Bustos  
314 S. 9<sup>th</sup> Street, Suite 300  
Boise, ID 83702  
(208) 331-1200

8.

Neighborhood Meeting Sign Up Sheet –  
January 5, 2023, at 6:00 p.m.

## NEIGHBORHOOD MEETING SIGN-UP

### CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



## NEIGHBORHOOD MEETING SIGN UP SHEET

### CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

#### SITE INFORMATION

Site Address: 12732 Memory Lane	Parcel Number: R33116000 0	
City: Nampa	State: Idaho	ZIP Code: 83686
Notices Mailed Date: Dec. 21, 2022	Number of Acres: 2.6	Current Zoning: AG
Description of the Request: Request for Variance		

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Tricia K. Soper		
Company Name: Mark D. Perison, PA		
Current address: 314 S. 9th St., Ste. 300		
City: Boise	State: ID	ZIP Code: 83702
Phone: (208) 331-1200	Cell:	Fax: (208) 343-5838
Email: tricia@markperison.com		

#### MEETING INFORMATION

DATE OF MEETING: Jan. 5, 2023	MEETING LOCATION: 12732 Memory Lane	
MEETING START TIME: 6:00 p.m.	MEETING END TIME:	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Ted Bustos	<i>Ted Bustos</i>	12732 Memory Lane, Nampa, ID
2. Tricia Soper	<i>Tricia Soper</i>	314 S. 9th, Ste. 300, Boise, ID
3. Robert Perison	<i>Robert Perison</i>	
4. Theresa Hensley	<i>Theresa Hensley</i>	12568 Memory Ln.
5.		
6. Wilma Huston	<i>Wilma Huston</i>	
7.		
8.		12649 memory Ln
9.		



10.	Joan Perdue
11.	Joan Perdue 12426 Iowa av
12.	Mary Kechn-Hamacher May Kuhn-Hamacher 12732 Memory Ln.
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Tricia K. Soper, Attorney for Ted Bustos

APPLICANT/REPRESENTATIVE (Signature): Tricia K. Soper

DATE: 1 / 5 / 2023

9.

Affidavit of Mailing, dated January 17, 2023

## AFFIDAVIT OF MAILING

STATE OF IDAHO            )  
                                      : ss.  
County of Ada             )

EMILY SUCHAN, being first duly sworn upon oath, deposes and says as follows,  
to-wit:

1.     I am a legal assistant employed by the firm Mark D. Perison, P.A.

2.     On December 21, 2022, I caused a true and correct copy of the attached  
Notice of Neighborhood Meeting to be mailed to each of the below named parties by  
regular U.S. mail, postage prepaid:

Alfred M and Lee Ann McGlinsky  
Family Trust  
12713 Memory Ln  
Nampa ID 83686

BCH Legacy LLC  
Helen J Cooper, Trustee  
12364 Iowa Ave  
Nampa, ID 83686

John R Babcock Testamentary Trust  
John Babcock, Trustee  
12497 Midway Rd  
Nampa, ID 83686

Joan Perdue Trust  
Joan E Perdue, Trustee  
12426 Iowa Ave  
Nampa, ID 83651

Karen Lea Anderson  
Bob Lee Anderson  
12529 S Midway Rd  
Nampa, ID 83686

Steven Ryan Smith  
Theresa Marie Hensley  
12568 Memory Ln  
Nampa, ID 83686

Lonnie McGillivray  
Gloria Gail McGillivray  
4630 122nd Place NE  
Marysville, WA 98271

Wayne B Gammel,  
Carol Jo Carson  
12606 Memory Ln  
Nampa, ID 83686

BCH Legacy LLC  
12364 Iowa Ave  
Nampa, ID 83686

Elmer and Wilma Huston Trust  
12649 Memory Ln  
Nampa, ID 83686

C J Houson Life Estate  
12364 Iowa Ave  
Nampa, ID 83686

Sandra Tarvin Bell  
1860 Alla Moana Blvd Apt 1603  
Honolulu, HI 96815



United States of America  
800 Park Blvd Ste 600  
Boise, ID 83712

Donald D Parsons  
12892 Iowa Ave  
Nampa, ID 83686

Pavel P Chernenko  
12472 Iowa Ave  
Nampa, ID 83686

Ronald R Parsons  
Don D Parsons  
12894 Iowa Ave  
Nampa, ID 83686

Julie Parsons Trust  
Charles Geselle, Trustee  
12638 Iowa Ave  
Nampa, ID 83686

Canyon County  
1115 Albany St  
Caldwell, ID 83605

Ron R Parsons  
5215 W Saguaro Dr  
Eagle, ID 83616-6254

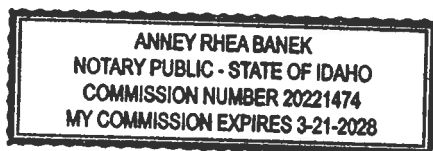
FURTHER your affiant says naught.

Dated this 17th day of January, 2023.

Emily Suchan  
Emily Suchan

STATE OF IDAHO            )  
                                      : ss.  
County of Ada            )

On this 17<sup>th</sup> day of January, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Emily Suchan, known to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Anney Rhea Banek  
Notary Public for Idaho  
Residing at Boise, Idaho  
Commission Expires: 03/21/2028

10.

## Application for Administrative Lot Split

# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <u>Theodore Bustos</u>
	MAILING ADDRESS: <u>12732 Memory LA</u>
	PHONE: [REDACTED]
I consent to this application [REDACTED] please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Theodore Bustos</u> Date: <u>5-6-22</u>	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: <u>12 208 2961590</u> EMAIL: <u>Ted@bustos.com</u>

SITE INFO	STREET ADDRESS: <u>12732 Memory LA Nampa ID</u>
	PARCEL #: <u>R33116</u> LOT SIZE/AREA: <u>2.6 Acre</u>
	LOT: BLOCK: SUBDIVISION:
	QUARTER: SECTION: <u>36</u> TOWNSHIP: <u>3N</u> RANGE: <u>3W</u>
	ZONING DISTRICT: FLOODZONE (YES/NO): <u>NO</u>

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input checked="" type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input checked="" type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER		

CASE NUMBER: <u>ZV2023-0001</u>	DATE RECEIVED: <u>2/23/23</u>
RECEIVED BY: <u>Sage H</u>	APPLICATION FEE: <u>\$950.00</u> (CK) MO CC CASH



11.

Road Maintenance Agreement in the form required by Canyon County, and recorded on June 21, 2022, as Instrument No. 2022-031288, records of Canyon County, Idaho.

## PRIVATE ROAD MAINTENANCE AGREEMENT

An Agreement made this original date of *June 20*, 20*22* applicable to the undersigned parcel owners and users.

### RECITALS

**WHEREAS**, Memory Ln is a private road situated in Nampa, County of Canyon, State of Idaho, and

**WHEREAS**, the undersigned parcel owners are the owners or users of the Roadway Property situated in Nampa, County of Canyon, State of Idaho, commonly known as Memory Ln, and described as follows:

North of Iowa Ave

**WHEREAS**, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to Memory Ln; and

**WHEREAS**, it is agreed that future parcel owners or users will add their signatures to this document.

### NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

**1. Road Maintenance.** Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles.

**2022-031288**

RECORDED

**06/21/2022 09:50 AM**



00709589202200312880080081

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=8 ADMARTINEZ

\$31.00

AGR

TED BUSTOS

Signed,

<name> Wilma Huston	<date> 6-20-22
<name> Joan Perdue	<date> 6-20-22
<name> Lee McGlinisky	<date> 6-20-22
<name> Theodore Bustos	<date> 6-20-22
<name> Mary Lou Keehn-Hamacher	<date> 6-20-22
<name> Jose De Carrillo	<date> 6-20-22
<name> Theresa Hensley	<date> 6-24-22
<name>	<date>

(Signatures)

SEE ATTACHED

Wilma Huston

Joan Perdue

Lee A McGlinisky

Theodore Bustos

Mary Lou Keehn-Hamacher

Jose De Jesus Carrillo

Theresa Hensley



<name> Wilma Hutson	<date> 6-15-22
<name> James E. Perdue	<date> 6-5-22
<name> Robert Perdue	<date> 6-5-22
<name> Lee McGlinchey	<date> 6/5/22
<name> Jose J. Carrillo	<date> 6/5/22
<name> Wayne Gammel	<date> 06/05/22
<name> Ted Bustos	<date> 6-5-22

(Signatures)

Wilma Hutson  
 Jose Perdue  
 Robert Perdue  
 Lee McGlinchey  
 Jose J Carrillo  
 Wayne Gammel  
 Ted Bustos

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of ID }  
County of Blaine } ss.

On this the 20 day of June, 2022, before me,  
James Allen, the undersigned Notary Public,  
Name of Notary Public

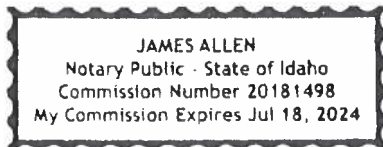
personally appeared Wilma Huston (only),  
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed  
to the within instrument, and acknowledged to me  
that he/she/they executed the same for the purposes  
therein stated.

WITNESS my hand and official seal.



[Signature]  
Signature of Notary Public  
Exp July 18, 2024

Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

**OPTIONAL**

*This section is required for notarizations performed in Arizona but is optional in other states.  
Completing this information can deter alteration of the document or fraudulent reattachment  
of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Private Road Maintenance Agreement  
Document Date: June 20, 2022 Number of Pages: 2  
Signer(s) Other Than Named Above: See Signature Page #2

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of ID }  
County of Canyon } ss.

On this the 20 day of June, 2022, before me,  
Day Month Year

James Allen, the undersigned Notary Public,  
Name of Notary Public

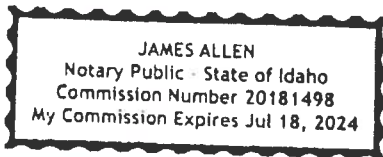
personally appeared Joan Perdue (only),  
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed  
to the within instrument, and acknowledged to me  
that he/she/they executed the same for the purposes  
therein stated.

WITNESS my hand and official seal.



[Signature]  
Signature of Notary Public  
Exp July 18, 2024

Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

**OPTIONAL**

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**Description of Attached Document**

Title or Type of Document: Private Road Maintenance Agreement

Document Date: June 20, 2022 Number of Pages: 2

Signer(s) Other Than Named Above: See Signatures Page # 2



**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Idaho } ss.  
County of Canyon

On this the 20 day of June, 2022, before me,  
Day Month Year

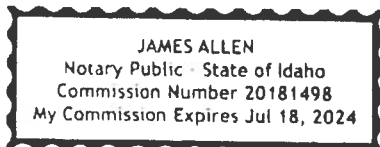
James Allen, the undersigned Notary Public,  
Name of Notary Public

personally appeared Lee A. McClinsky (only),  
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.



WITNESS my hand and official seal.

[Signature]

Signature of Notary Public

Exp July 18, 2024

Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

**OPTIONAL**

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**Description of Attached Document**

Title or Type of Document: Pioneer Road Maintenance Agreement

Document Date: June 20, 2022 Number of Pages: 2

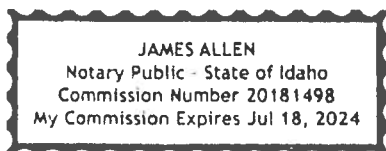
Signer(s) Other Than Named Above: See Signature Page #2

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of ID }  
County of Canyon } ss.

On this the 20 day of June, 2022, before me,  
James Allen  
Name of Notary Public

personally appeared Theodore Bustos (only)  
Name(s) of Signer(s)



☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public  
Exp July 18, 2024

Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

**OPTIONAL**

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**Description of Attached Document**

Title or Type of Document: Private Pool Maintenance Agreement  
Document Date: June 20, 2022 Number of Pages: 2  
Signer(s) Other Than Named Above: See Signature Page 4

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Idaho }  
County of Canyon } ss.

On this the 20 day of June, 2022, before me,  
James Allen, the undersigned Notary Public,  
Name of Notary Public

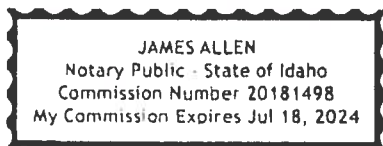
personally appeared Mary Lou Kechn-Hammacher (only),  
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed  
to the within instrument, and acknowledged to me  
that he/she/they executed the same for the purposes  
therein stated.

WITNESS my hand and official seal.



[Signature]  
Signature of Notary Public  
Exp July 18, 2024

Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

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**Description of Attached Document**

Title or Type of Document: Private Road Maintenance Agreement  
Document Date: June 20 2022 Number of Pages: 2  
Signer(s) Other Than Named Above: See Signature P. 2.

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Idaho }  
County of Canyon } ss.

On this the 20 day of June, 2022, before me,  
James Allen, the undersigned Notary Public,  
Name of Notary Public

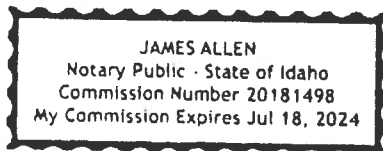
personally appeared Jose De Jesus Carrillo (only),  
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

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to the within instrument, and acknowledged to me  
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therein stated.

WITNESS my hand and official seal.



James Allen, Notary Public  
Signature of Notary Public  
Exp July 18, 2024

Place Notary Seal/Stamp Above

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Title or Type of Document: Private Road Maintenance Agreement  
Document Date: June 20, 2022 Number of Pages: 2  
Signer(s) Other Than Named Above: See Signature Page #2



**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of ID  
County of Canyon } ss.

On this the 24 day of June, 2022, before me,  
Day Month Year

James Allen

Name of Notary Public

the undersigned Notary Public,

personally appeared Theresa Hensley (only)  
Name(s) of Signer(s)

☐ personally known to me – OR –

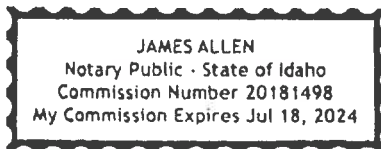
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed  
to the within instrument, and acknowledged to me  
that he/she/they executed the same for the purposes  
therein stated.

WITNESS my hand and official seal

[Signature], Notary Public  
Signature of Notary Public

Exp July 18, 2024



Place Notary Seal/Stamp Above

Any Other Required Information  
(Printed Name of Notary, Expiration Date, etc.)

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of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Private Road Maintenance Agreement

Document Date: \_\_\_\_\_ Number of Pages: 2

Signer(s) Other Than Named Above: See Attached

- Prefer to have 1st split who Verano & Court for 3  
months before  
Judicial to the court for 3 months before?

- He completed a reading course at 18  
years - <sup>Reading</sup> Application 1 year.

So very 4 1/2 hrs

He said he wrote that document

writing for 1 year

was from 1980 - 1981 3%

**Ted Bustos**

Fwd: Administrative Land Division Case AD2022-0084  
May 6, 2022 at 3:26 PM

---

----- Forwarded message -----

From: **Sage Huggins** <[Sage.Huggins@ccanyoncountyid.gov](mailto:Sage.Huggins@ccanyoncountyid.gov)>  
Date: Fri, May 6, 2022, 3:23 PM  
Subject: Administrative Land Division Case AD2022-0084  
To: [tedbustos@gmail.com](mailto:tedbustos@gmail.com) <[tedbustos@gmail.com](mailto:tedbustos@gmail.com)>

Hello,

I just made your case number for the split of parcel R33116. The case number is AD2022-0084.

Thanks,

Sage Huggins

Planning Technician

Canyon County Development Services

[Sage.Huggins@ccanyoncountyid.gov](mailto:Sage.Huggins@ccanyoncountyid.gov)

208-455-6036

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# MARK D. PERISON, P.A.

ATTORNEY AT LAW

TRICIA K. SOPER

tricia@markperison.com

January 19, 2023

Dan Lister  
Canyon County Development Services  
111 N 11th Ave.  
Caldwell, ID 83605

*Re: Application for Variance  
Theodore Bustos  
12732 Memory Lane, Nampa, Idaho, 83686 (Parcel No. R33116)*

Dear Mr. Lister:

This firm represents Theodore Bustos. Mr. Bustos owns real property located at 12732 Memory Lane, Nampa, Idaho, 83686 ("Property"), and is applying for a variance pursuant to Canyon County Code § 07-08-01 *et. seq.* and Idaho Code § 67-6516.

Please accept this letter of intent/explanation in support of Mr. Bustos' Application for Variance, along with the application fee of \$950.00, and the following enclosed documents:

1. Master Application
2. Vesting deed for Theodore Bustos
3. Easement dated February 23, 1959, recorded on February 29, 1959, as Instrument No. 468198
4. Record of Survey
5. Canyon County Assessor's Web Map of Memory Lane and surrounding parcels
6. Enlarged view of Assessor's Web Map of Memory Lane and surrounding parcels with addresses
7. Notice of Neighborhood Meeting, dated December 21, 2022
8. Neighborhood Meeting Sign Up Sheet – January 5, 2023, at 6:00 p.m.
9. Affidavit of Mailing, dated January 17, 2023
10. Application for Administrative Lot Split



11. Road Maintenance Agreement in the form required by Canyon County, and recorded on June 21, 2022, as Instrument No. 2022-031288, records of Canyon County, Idaho.

## **I. Background.**

Mr. Bustos' Property consists of a 2.6 acre parcel, with one residence and two outbuildings, located in the Agriculture zone. Mr. Bustos intends to split off an approximately one (1) acre parcel. To that end, on May 6, 2022, he applied for an administrative lot split in Application No. AD 2022-0084.

Mr. Bustos had completed what he had been told was everything necessary to receive approval of his request for an administrative lot split: he had the property surveyed, at a cost of \$2,340.00; he obtained a Road Maintenance Agreement from his neighbors, in the form required by Development Services; and paid the \$300.00 fee. At the very end of this process, he was notified that Memory Lane, which is the private road from which he accesses his property, was not wide enough to comply with current Canyon County ordinances, and that he would first need to obtain a variance in order to receive approval for his lot split.

Thus, Mr. Bustos is now applying for a variance. Specifically, Mr. Bustos is requesting a variance from Canyon County Code § 07-10-03 to allow his existing 24-foot easement for access via Memory Lane to be sufficient to obtain the administrative lot split for his Property.

Memory Lane is a private road that has existed since at least 1959. A total of seven parcels are adjacent to Memory Lane, but only five (5) of those parcels, including Mr. Bustos' Property, utilize Memory Lane for access to their homes. Two of the neighbors whose parcels are adjacent to Memory Lane do not utilize Memory Lane for access, and actually utilize Iowa Road for ingress/egress to their properties: 12454 Iowa Avenue (Parcel No. R33111), and 12426 Iowa Avenue (Parcel No. R33122).

Mr. Bustos obtained his Property subject to a 24-foot wide easement to Memory Lane, which right of access was originally derived from a 1959 deed granting the easement (Easement dated February 23, 1959, recorded on February 29, 1959, as Instrument No. 468198, records of Canyon County, Idaho). The remaining surrounding land was subsequently further subdivided and conveyed, with each remaining parcel both subject to, and benefitting from, the easement to Memory Lane. The result was a patchwork of parcels where portions of Memory Lane are contained

within the various parcels. In other words, it is not the case that one parcel encompasses the entirety of Memory Lane—rather, at least three (3) of the parcels leading up to Mr. Bustos' Property contain a portion of Memory Lane. This patchwork can be seen on the attached Canyon County Assessor's Web Map and enlarged view, which roughly depict Memory Lane and the surrounding parcels.

In order to qualify for a variance, Mr. Bustos is required to demonstrate that his request is 1) consistent with the Comprehensive Plan; 2) that undue hardship exists due to characteristics of the site; and 3) that the variance is not in conflict with the public interest. These requirements are discussed below.

Additionally, Mr. Bustos was required to hold a Neighborhood Meeting prior to submitting this application. The Neighborhood Meeting was held on January 5, 2023, from 6:00 to 7:15 p.m. None of the neighbors in attendance at the Neighborhood Meeting expressed opposition to the request for variance, and no opposition is known at this time. It is expected that several of the neighbors will be offering comments at, or in advance of, the hearing in support of Mr. Bustos' application for variance.

## **II. Mr. Bustos' Application for Variance is Consistent with the Comprehensive Plan.**

Mr. Bustos' Application for Variance is consistent with both the 2020 Comprehensive Plan and the most recently updated proposed 2030 Comprehensive Plan. For instance, in the 2020 Comprehensive Plan, the Property Rights Component is described as follows:

Provisions for the protection of private property rights are predicated on Sections 67-6508(a) and 67-8001 of the Idaho Code. The first statute mandates that property rights be added as a component of the Comprehensive Plan and essentially requiring that "land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values, **or create unnecessary technical limitations on the use of property...**"

and

Fundamental property rights or attributes of ownership include (1) the right to possess (2) exclude from others or (3) dispose of property.

2020 Comprehensive Plan, p.14 (emphasis added).

In the proposed 2030 Comprehensive Plan, “fundamental property rights or attributes of ownership” are defined in exactly the same language as that of the 2020 Comprehensive Plan. Additionally:

The right of disposition: Is the right to sell or transfer your property to someone else. Title Companies research and ensure that a property has a “clear chain of title” and that there are no other claims from individuals. **Zoning and subdivision ordinances review land divisions to ensure that properties have adequate access, sufficient water rights and utilities, and protection from hazards.** This process ensures properties maintain value and are usable and ready for the development.

Comprehensive Plan 2030, pp. 9, 11 (emphasis added).

In both the 2020 and 2030 Comprehensive Plans, private property rights are at the forefront. Mr. Bustos is fully complying with the existing zoning codes by applying for this variance, a process that is entirely consistent with the Comprehensive Plan.

### III. A Hardship Exists Due to Characteristics of the Site.

In order to comply with current code standards requiring a 28-foot roadway easement, Mr. Bustos would be required to have the entire length of Memory Lane surveyed, and, more importantly, to obtain further easements from at least three (3) other property owners to satisfy the current code requirements. This is simply not possible. While numerous neighbors are in support of Mr. Bustos’ request for a variance, they are not willing to grant further easements on their properties. Specifically, Wilma Huston (Parcel R33114) and Joan Purdue (R33122), both of whom attended the Neighborhood Meeting and are in support of Mr. Bustos’ application for variance, stated they are not willing to grant a wider easement across their property.

Additionally, a power pole currently exists within the 24-foot easement for Memory Lane. Mr. Bustos has already spoken with Idaho Power about moving the power pole to just outside of the 24-foot easement, at his cost, and Idaho Power is able to do so. However, Idaho Power indicated that relocating the power pole beyond the 24 foot easement may not be possible and/or feasible.

Therefore, both the impossibility of Mr. Bustos obtaining a wider easement from at least three (3) parcel owners, along with the unfeasibility of relocating the power

pole any further than the edge of the 24-foot easement, together create an undue hardship on Mr. Bustos' ability to comply with current ordinances requiring a 28-foot roadway easement. It is important to note, however, that Mr. Bustos is not requesting approval for the physical width of Memory Lane to be decreased. Memory Lane itself is currently at least 20-feet wide, existing within the 24-foot easement. Nothing in Mr. Bustos' application for variance should be construed as requesting a physical decrease in the width of Memory Lane itself.

**IV. Mr. Bustos' Application for Variance Does Not Conflict with the Public Interest.**

Mr. Bustos' application for variance does not conflict with the public interest. Mr. Bustos intends to asphalt the entry/exit from Memory Lane, which is currently a gravel road. This will actually benefit the public. Any vehicle exiting Memory Lane will be able to more safely enter the flow of traffic onto Iowa Avenue from an asphalt versus a gravel surface. The same is true for any vehicle entering Memory Lane—the current location of the power pole within the boundaries of the 24-foot easement currently requires anyone traveling from the east to slow down significantly (the posted speed limit is 35 miles per hour) to make a hard right turn onto Memory Lane. Relocating this power pole will allow a more gradual entrance, slowing the flow of traffic less than currently occurs.

Additionally, emergency services, trash services, the U.S. Postal Service and couriers such as Amazon, UPS, and FedEx have had no difficulties traversing Memory Lane, and nothing in Mr. Bustos' request for variance will change this access.

**V. Conditions of Approval.**

Mr. Bustos understands that the actual driveable surface of Memory Lane must be a minimum of 20 feet in width, and asserts that this width is currently present. He also understands that as a condition of approval of his request for variance, he will be required to ensure that the roadway itself complies with Canyon County Code § 07-10-03. He is willing and able to do so.

**VI. Conclusion.**

There are only six (6) other properties adjacent to Memory Lane, none of which will be adversely affected by Mr. Bustos' request for variance. Moreover, the



Canyon County DSD

January 19, 2023

Page 6

improvements offered by Mr. Bustos will actually improve the safety of Memory Lane. Therefore, Mr. Bustos respectfully submits his Application for Variance.

Please feel free to contact me if additional information is required to facilitate Mr. Bustos' Application for Variance. Thank you.

Sincerely,



Tricia K. Soper

TKS/

Enclosures

**Canyon County Development Services**

111 N. 11th Ave. Room 310, Caldwell, ID 83605  
(208) 454-7458

**Building Division Email:** buildinginfo@canyoncounty.id **Planning Division Email:** zoninginfo@canyoncounty.id

**Receipt Number:** 78168

**Date:** 2/23/2023

**Date Created:** 2/23/2023

**Receipt Type:** Normal Receipt

**Status:** Active

**Customer's Name:** Theodore F Bustos

**Comments:** ZV2023-0001

**CHARGES**

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Variance	ZV2023-0001	\$950.00	\$0.00	\$0.00

**Sub Total:** \$950.00

**Sales Tax:** \$0.00

**Total Charges:** \$950.00

**PAYMENTS**

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	1414	\$950.00

**Total Payments:** \$950.00

**ADJUSTMENTS**

**Receipt Balance:** \$0.00